

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
JASPER DIVISION**

MARVIN ARTURO ARDÓN,)

Petitioner)

v.)

Case No. 6:09-cv-00505-RDP-HGD

KEVIN WILLIAMS, SHERIFF;)

THE ATTORNEY GENERAL OF)

THE STATE OF ALABAMA,)

Respondents)

DISMISSAL ORDER

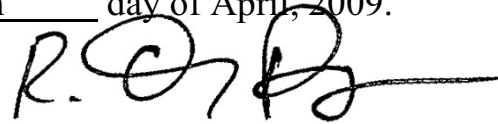
On March 17, 2009, the magistrate judge's report and recommendation was entered and the parties were allowed therein eleven (11) days in which to file objections to the recommendations made by the magistrate judge. No objections have been filed by the petitioner or the respondents.¹

After careful consideration of the record in this case and the magistrate judge's report and recommendation, the court hereby **ADOPTS** the report of the magistrate judge. The court further **ACCEPTS** the recommendations of the magistrate judge

¹ Although Petitioner sent a letter to the court, received April 21, 2009, claiming to have filed objections, no objections ever have been received by the court. Further, given the fact that the state court prosecution is pending and not final, the magistrate judge's report and recommendation is due to be adopted and accepted notwithstanding any objection Petitioner could make.

and it is therefore **ORDERED, ADJUDGED** and **DECREED** that the petition for writ of habeas corpus in this action be and the same hereby is **DISMISSED WITHOUT PREJUDICE.**

DONE and **ORDERED** this 28th day of April, 2009.

A handwritten signature in black ink, appearing to read 'R. David Proctor', written over a horizontal line.

R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE